

LINK: JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-6934 GAF	Date	February 20, 2013
Title	Roseanne Larsen v. County of Los Angeles et al		

Present: The Honorable	GARY ALLEN FEESS, United States District Judge		
Renee Fisher	None		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: (In Chambers)

ORDER RE DISMISSAL FOR LACK OF PROSECUTION

Plaintiff filed a Complaint with this Court on August 23, 2011. The docket reflects that Plaintiff is not actively pursuing this matter and the Court ORDERS that the action is dismissed for lack of prosecution. Link v. Wabash R. Co., 370 U.S. 626 (1962) (court has inherent power to dismiss for lack of prosecution on its own motion).

On January 22, 2013, this Court issued an order dismissing all but the Fourth Amendment unlawful seizure claim against the two individual deputies who allegedly used excessive force in taking plaintiff into custody. In that motion, the Court noted that the pending complaint contained undifferentiated California Constitutional claims and, although the Court had serious doubt that such a claim could be properly stated, reluctantly gave plaintiff an opportunity to amend to clarify what, if any, such claims she intended to pursue.

Thereafter, at the scheduled Pre-Trial Conference, an attorney completely unfamiliar with the facts of the case appeared on behalf of plaintiff. The Court was advised at that time of the following: (1) plaintiff's counsel, Mr. Vloskey, is no longer with the firm and will not be representing her; (2) plaintiff's whereabouts are unknown and the firm has been unable to contact her; (3) the firm does not know whether or not she has a viable claim under the California Constitution; (4) the firm does not know whether or not she would seek to add claims under the California Constitution given the

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procedural posture of this case; (5) the firm is uncertain regarding her availability on the scheduled trial date (March 5, 2013).

In the meantime, a settlement conference was scheduled in the case for February 13, 2013, before Magistrate Judge Patrick J. Walsh. The parties were ordered to appear at that conference with counsel. Counsel, apparently still unable to contact Plaintiff, announced that he had no settlement authority in the case, and Plaintiff failed to appear at all. Because of the difficulty in communicating with his client, counsel for Plaintiff asked to be relieved. The Magistrate Judge declined to act on that request because responsibility over the issue resides with the district court.

Given Plaintiff's failure to communicate with counsel, counsel's inability to complete the pre-trial conference, to conduct settlement negotiations or to take any other action in this case, the Court hereby dismisses the action for lack of prosecution.

Counsel is to give notice of the dismissal to plaintiff at her last known address.

IT IS SO ORDERED.

Initials of
Preparer

_____:_____
rf